CASE No. 93-329-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*\*\*\*\*\*

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property located at 7604 Harford Road in Baltimore County. The Petitioner/property owner, Louis Hubberman, requests the approval of an amendment of a site plan previously approved in case No. 78-100-X. In that case, a Petition for Special Exception for a service garage, as shown on the site plan submitted, was granted.

Appearing at the required public hearing for this case was the property owner, Louis Hubberman. Also appearing was Paul Lee, the engineer who prepared the site plan marked as Petitioner's Exhibit No. 1. The Petitioner was represented by F. Vernon Boozer, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject site is .44 acres(+/-) in area and is zoned B.L.-C.C.C. The property is situated near the Baltimore City/Baltimore County boundary in Parkville. This is a highly developed commercial/retail area. The property is located not far from the Parkville Shopping Center, a major commercial center in the subject communi-

Mr. Hubberman and Mr. Lee both noted that the site is presently used as a Neineke Muffler and Brake Shop. It has been used in this manner for some There is no change to the nature of the business contemplated. Rather, the Petitioner proposes adding a 430 sq. ft. addition to house an additional bay for his business. Due to this proposed expansion, the previously approved site plan must be amended by a Petition for Special Hearing. As noted above, a service garage was approved in case No. 78-100-X by the Zoning Commissioner in November of 1977. Within the proposed addition, the building will contain four bays. Further, this site will provide 13 parking spaces, the amount required under the regulations. The property is served by public utilities.

Mr. Lee noted that the proposed amendment is entirely consistent with the existing use of the property and the commercial character of the locale. In his view, a granting of the Petition for Special Hearing and the proposed expansion will not cause any detriment or adverse effect to the surrounding locale. Mr. Lee discussed each of the parameters set forth in Section 502.1 of the B.C.Z.R. and concluded that the Petitioner satisfied each of those standards.

As with all zoning Petitions, the subject Petition for Special Hearing underwent review by the Zoning Plans Advisory Committee (ZAC). None of the comments offered by that Committee's members were adverse to the proposed relief, although both the Department of Public Works and the Office of Planning and Zoning noted that additional landscaping should be required so as to improve the site's appearance. As Mr. Lee's site plan states, in Note No. 15, the property is subject to the requirements of the landscape manual.

Upon consideration of all of the testimony and evidence presented, I am rsuaded that the Petition for Special Hearing should be granted. Clearly, the change to the existing site plan is minor and necessary only to enlarge the facility. The character and use has not changed and there is no evidence that continued use of the property in the current manner would be harmful to the surrounding locale. Therefore, the Petition for Special Hearing will be granted. Further, I shall adopt as a restriction the recommendation within the ZAC comments, as echoed by Mr. Lee's note, and require that this property be landscaped in accordance with the Landscape Manual. The Petitioner shall submit a landscape plan and to be reviewed and approved by the Landscape Architect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10 day of June, 1993 that, pursuant to the Petition for Special Hearing, approval to amend a site plan previously approved in case No. 78-100-X, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED.

> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2. The Petitioner shall submit a landscape plan, in accordance with Baltimore County's Landscape Manual, and to be reviewed and approved by the Baltimore County Landscape Architect. The approved landscape plan shall become a permanent part of the record and file in this matter.

> > Zoning Commissioner for Baltimore County

LES:mmn

(Treat) w/s Hon For IRd, sw/s Ling more Ars A see Faciny 100 -way on property of Petitioner

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_successive weeks, the first publication appearing on Opills, 1983

327 Petition for Special Hearing

93-329-5PH

to the Zoning Commission of t

for the property located at 7604 HARFORD ROAD This Petition shall be filed with the Office of Zoning Administration & Development filenegement.

The undersigned, legal owner(s) of the property situate in Saltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County,

AMENDMENT OF THE SUBJECT PROPERTY SITE PLAN

to determine whether or not the Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	VMs do sciennity declare and affirm, under the penalties of perjury, that thre are the legal owner(s) of the property which is the subject of this Petition.		
Contract Purchaser/Leusen:	Legal Owner(s):		
	LOUIS HUBBERMAN		
(Type or Print Name)	(Type or Prince Name)		
Signature	Signature		
Address	(Type or Print Name)		
City State Zipcode	Signature	<del></del>	
	7604 Harford Road	665-0710	
Attorney for Petitioner:	Address	Phone No.	
F. Vernon Boozer, Esq.	Balto., MD 21234		
(Type or Print Hayres)	City Name, Address and phone number of legal owner, or to be contacted.	le Zipcode intract purchaser or represent	
	F. Vernon Boozer, Esquire	1	
Signature	Name		
614 Bosley Avenue 828-9441	614 BOSLEY AVE.	828-9441	
Address Phone No.	Address	Phone No.	
Towson, MD 21204	OFFICE USE ONL	Υ	
City State Zecode	ESTREATED LENGTH OF HEATING		
A STATE OF THE STA	the following dates		
	All CORE		

Paul Lon F. E.

Paul Leo Engineering Inc. 93-328-301 W. Panaglounia Am. 5PH Tousan, Maryland 21201

327

7604 HARFORD ROAD

ELECTION DISTRICT 9C6 BALTIMORE COUNTY, MARYLAND

binding on the West side of Harford Road (1) S 36°24'45" W -127.45 feet, thence leaving said West side of Harford Road (2) N 55 $^{\circ}$ 55'00" W - 131.34 feet and (3) N 34 $^{\circ}$ 28'00" E - 143.25 feet to intersect the South side of Linganore Avenue; thence binding on the South side of Linganore Avenue (4) N 55°32'00" E - 121.17 feet and (5) S 09°33'38" E - 20.85 feet to the point of beginning.

Containing 19,166.4 s.f. (0.44 Ac. ) of land more or



J.O. 92-024

**Baltimore County Government** Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 8, 1993

F. Vernon Boozer, Esquire 614 Bosley Avenue Towson, Maryland 21204

> RE: Petition for Special Hearing Case No. 93-329-SPH Louis Hubberman, Petitioner Property: 7604 Harford Road

Dear Mr. Boozer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Lawrence E. Schmidt Zoning Commissioner

LES:mmn

cc: Mr. Louis Hubberman 7604 Harford Road Baltimore, Md. 21234

Zoning Administration & Development Management
111 Vest Chesapeake Avenue

Date 3 - 26 - 93 Family Venture I, Inc. DBA Meinke Discount Muthers 7604 Harford Rd. (21234)

**Cashler Validation** 

3/26/93

H9300327

PUBLIC HEARING FEES 040 -SPECIAL HEARING (OTHER)

PRICE \$250.00

TOTAL: \$250.00 LAST NAME OF OWNER: HUBBERMAN

111 West Chesapeake Avenue Towson, MD 21204

APR. O 9 1993

(410) 887-3353

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesepeake Avenue in Tousen, Maryland 21204

Room 118, Old Courthouse, 400 Washington Evenue, Touson, Maryland 21204 as follows:

CASE MURBER: 93-329-SPH (Item 327) 7604 Magazas HARFORD ROAD W/S Herford Road, 31' SW of c/l Linganore Avenue 9th Election District - 6th Councilmanic Petitioner(s): Louis Hubberman HEARING: WEDNESDAY, MAY 19, 1993 at 9:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve amendment of the subject property site plan.

cc: Louis Hubbermen F. Vernon Boozer, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMEDIATIONS PLEASE CALL 887-3353.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

April 23, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #327 Hubberman Property; 7604 Harford Road Zoning Advisory Committee Meeting of April 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Any existing underground storage tanks should be shown on the plan, or if there are none, so note. Abandoned underground tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

JLP:jbm

HUBBERMA/TXTRMP

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

May 10, 1993

F. Vernon Boozer, Esquire 614 Bosley Avenue Towson, MD 21204

> RE: Case No. 93-329-SPH, Item No. 327 Petitioner: Louis Hubberman Petition for Special Hearing

Dear Mr. Boozer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 26, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: <u>April 16, 1993</u>

P FROM: Jerry L. Pfeifer. Captain Fire Department

SUBJECT: Zoning Petitions

No comments

#327 No comments #332 No comments #340 No comments #341 No comments

#342 No comments #343 No comments #344 No comments #345 No comments No comments #347 No comments

#348 No comments #349 No comments

No comments

The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.

No comments

JLP/dal

cc: File

#351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

73-329-50-

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 16, 1993 Zoning Administration and Development Management

The Development Plan Review Section has reviewed the subject zoning item. Compliance with the Landscape Manual is required prior to release of the building permit.

Robert W. Bowling, Senior Engineer
Development Plan Review

for April 19, 1993

Item No. 327

RWB: DAK: 6

Zoning Advisory Committee Meeting

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

**DATE:** May 6, 1993

SUBJECT: 7604 Harford Road INFORMATION:

Petitioner:

Property Size:

327.ZAC/ZAC1

SUMMARY OF RECOMMENDATIONS:

The subject property is located in the Parkville Revitalization Area. The Baltimore County Master Plan 1989-2000 (adopted February 5, 1990) indicates that the need for beautification is a significant issue in this area. (See page 116).

The appearance of the subject property is not very attractive. The existing building is made of cinder block and painted bright yellow. There is no landscaping along the road frontages and the screening along the abutting properties is inadequate. The macadam paving is in fair condition. The curb and sidewalk along Linganore Avenue are in somewhat poor to very poor condition. The "grass" area located at the street corner has not been maintained and is used for parking. The snowball stand is supported by stacked blocks without any enclosure around the base of the structure. The shed is a portable structure which has not been placed in a level position.

Approval of the amended site plan should be contingent upon upgrading the appearance of the property. At a minimum the following matters should be addressed.

1. The grass area located at the street corner should be landscaped and no parking should be permitted in this area.

O. James Lighthizer Hal Kassoff

4-10-93

Re: Baltimore County
Item No.: + 327 (TTS)

111 W. Chesapeake Avenue Towson, Maryland 21204 KEHRING

Dear Ms. Wintershi:

MELENE KEHRING

Zoning Administration and

Development Management

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

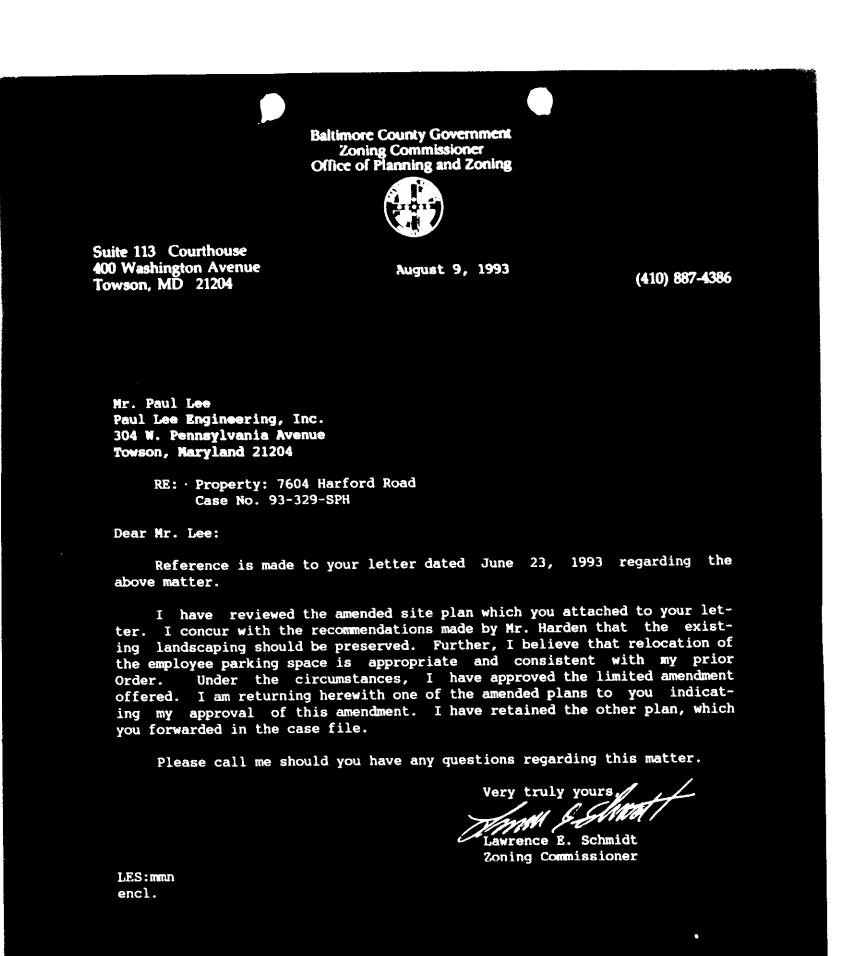
2. Compliance with the Baltimore County Landscape Manual should be required along the entire length of the western property line to screen the subject property from the adjacent residential property known as 2917 Linganore

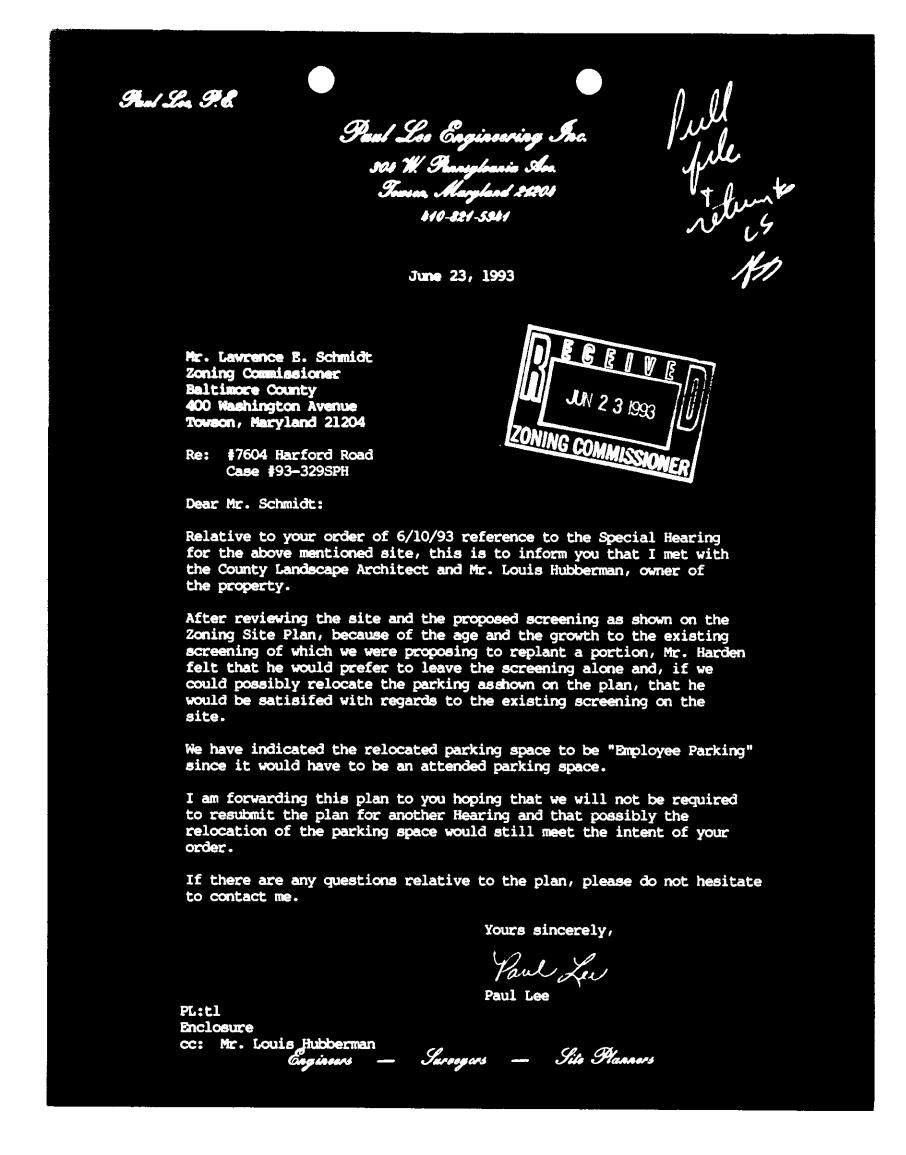
3. If the exterior appearance of the existing building is not upgraded, the design and color of the addition should be consistent with the existing building.

Prepared by:	Jeffry M Ins
Division Chief	Caryl Kerns
PK/JL:lw	/

Pg. 1

327.ZAC/ZAC1





PLEASE PRINT CLEARLY PETITIONER(S	S) SIGN-IN SHEET			
F. Vernon Booren	614 Bosley Ame 21204			
Logis Hubberner	7604 Harford Rd 21234			
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